

Title 17-A: MAINE CRIMINAL CODE
Chapter 7: OFFENSES OF GENERAL APPLICABILITY

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Maine Revised Statutes
Title 17-A: MAINE CRIMINAL CODE
Chapter 7: OFFENSES OF GENERAL APPLICABILITY

§151. CRIMINAL CONSPIRACY

1. A person is guilty of criminal conspiracy if, with the intent that conduct be performed that in fact would constitute a crime or crimes, the actor agrees with one or more others to engage in or cause the performance of the conduct and the most serious crime that is the object of the conspiracy is:

A. Murder. Violation of this paragraph is a Class A crime; [2001, c. 383, §5 (NEW); 2001, c. 383, §156 (AFF).]

B. A Class A crime. Violation of this paragraph is a Class B crime; [2001, c. 383, §5 (NEW); 2001, c. 383, §156 (AFF).]

C. A Class B crime. Violation of this paragraph is a Class C crime; [2001, c. 383, §5 (NEW); 2001, c. 383, §156 (AFF).]

D. A Class C crime. Violation of this paragraph is a Class D crime; or [2001, c. 383, §5 (NEW); 2001, c. 383, §156 (AFF).]

E. A Class D or Class E crime. Violation of this paragraph is a Class E crime. [2001, c. 383, §5 (NEW); 2001, c. 383, §156 (AFF).]

[2001, c. 383, §5 (AMD); 2001, c. 383, §156 (AFF) .]

2. If the actor knows that one with whom the actor agrees has agreed or will agree with a 3rd person to effect the same objective, the actor is deemed to have agreed with the 3rd person, whether or not the actor knows the identity of the 3rd person.

[2001, c. 383, §5 (AMD); 2001, c. 383, §156 (AFF) .]

3. A person who conspires to commit more than one crime is guilty of only one conspiracy if the crimes are the object of the same agreement or continuous conspiratorial relationship.

[1975, c. 499, §1 (NEW) .]

4. A person may not be convicted of criminal conspiracy unless it is alleged and proved that the actor, or one with whom the actor conspired, took a substantial step toward commission of the crime. A substantial step is any conduct which, under the circumstances in which it occurs, is strongly corroborative of the firmness of the actor's intent to complete commission of the crime; provided that speech alone may not constitute a substantial step.

[2001, c. 383, §5 (AMD); 2001, c. 383, §156 (AFF) .]

5. Accomplice liability for crimes committed in furtherance of the criminal conspiracy is to be determined by the provisions of section 57.

[2001, c. 383, §5 (AMD); 2001, c. 383, §156 (AFF) .]

6. For the purpose of determining the period of limitations under section 8, the following provisions govern.

A. A criminal conspiracy is deemed to continue until the criminal conduct that is its object is performed, or the agreement that it be performed is frustrated or is abandoned by the actor and by those with whom the actor conspired. For purposes of this subsection, the object of the criminal conspiracy includes escape from the scene of the crime, distribution of the fruits of the crime, and measures, other than silence, for concealing the commission of the crime or the identity of its perpetrators. [2001, c. 383, §5 (AMD); 2001, c. 383, §156 (AFF).]

B. If a person abandons the agreement, the criminal conspiracy terminates as to the actor only when:

(1) The actor informs a law enforcement officer of the existence of the criminal conspiracy and of the actor's participation therein; or

(2) The actor advises those with whom the actor conspired of the actor's abandonment.

Abandonment is an affirmative defense. [2001, c. 383, §5 (AMD); 2001, c. 383, §156 (AFF).]

[2001, c. 383, §5 (AMD); 2001, c. 383, §156 (AFF) .]

7. It is not a defense to prosecution under this section that another person with whom the actor is alleged to have conspired has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense, is not subject to prosecution as a result of immaturity, or is immune from or otherwise not subject to prosecution.

[2001, c. 383, §5 (AMD); 2001, c. 383, §156 (AFF) .]

8. It is a defense to prosecution under this section that, had the objective of the criminal conspiracy been achieved, the actor would have been immune from liability under the law defining the offense, or as an accomplice under section 57.

[2001, c. 383, §5 (AMD); 2001, c. 383, §156 (AFF) .]

9.

[2001, c. 383, §156 (AFF); 2001, c. 383, §5 (RP) .]

SECTION HISTORY

1975, c. 499, §1 (NEW). 1975, c. 740, §35 (AMD). 1977, c. 510, §§29-31 (AMD). 2001, c. 383, §5 (AMD). 2001, c. 383, §156 (AFF).

§152. CRIMINAL ATTEMPT

1. A person is guilty of criminal attempt if, acting with the kind of culpability required for the commission of the crime, and with the intent to complete the commission of the crime, the person engages in conduct that in fact constitutes a substantial step toward its commission and the crime is:

A. Murder. Violation of this paragraph is a Class A crime; [2001, c. 383, §6 (NEW); 2001, c. 383, §156 (AFF).]

B. A Class A crime. Violation of this paragraph is a Class B crime; [2001, c. 383, §6 (NEW); 2001, c. 383, §156 (AFF).]

C. A Class B crime. Violation of this paragraph is a Class C crime; [2001, c. 383, §6 (NEW); 2001, c. 383, §156 (AFF).]

D. A Class C crime. Violation of this paragraph is a Class D crime; or [2001, c. 383, §6 (NEW); 2001, c. 383, §156 (AFF).]

E. A Class D crime or Class E crime. Violation of this paragraph is a Class E crime. [2001, c. 383, §6 (NEW); 2001, c. 383, §156 (AFF).]

A substantial step is any conduct that goes beyond mere preparation and is strongly corroborative of the firmness of the actor's intent to complete the commission of the crime.

[2001, c. 383, §6 (AMD); 2001, c. 383, §156 (AFF) .]

2. It is not a defense to a prosecution under this section that it was impossible to commit the crime that the person attempted, provided that it would have been committed had the factual and legal attendant circumstances specified in the definition of the crime been as the person believed them to be.

[2001, c. 383, §6 (AMD); 2001, c. 383, §156 (AFF) .]

3. A person who engages in conduct intending to aid another to commit a crime is guilty of criminal attempt if the conduct would establish the person's complicity under section 57 were the crime committed by the other person, even if the other person is not guilty of committing or attempting the crime.

[2001, c. 383, §6 (AMD); 2001, c. 383, §156 (AFF) .]

3-A. An indictment, information or complaint, or count thereof, charging the commission of a crime under chapters 9 through 45, or a crime outside this code is deemed to charge the commission of the attempt to commit that crime and may not be deemed duplicitous thereby.

[2001, c. 383, §6 (AMD); 2001, c. 383, §156 (AFF) .]

4.

[2001, c. 667, Pt. D, §36 (AFF); 2001, c. 667, Pt. D, §1 (RP) .]

5.

[2001, c. 667, Pt. D, §36 (AFF); 2001, c. 667, Pt. D, §2 (RP) .]

SECTION HISTORY

1975, c. 499, §1 (NEW). 1975, c. 740, §36 (AMD). 1977, c. 510, §§32-34 (AMD). 1995, c. 422, §1 (AMD). 2001, c. 383, §6 (AMD). 2001, c. 383, §156 (AFF). 2001, c. 413, §1 (AMD). 2001, c. 667, §§D1,2 (AMD). 2001, c. 667, §D36 (AFF). MRS A T.17A ., §152/4 (AMD).

§152-A. AGGRAVATED ATTEMPTED MURDER

1. A person is guilty of aggravated attempted murder if that person commits attempted murder and, at the time of that person's actions, one or more of the following aggravating circumstances is in fact present:

A. The person's intent to kill was accompanied by premeditation-in-fact; [2001, c. 413, §2 (NEW) .]

B. The person, at the time of the crime, intended to cause multiple deaths; [2001, c. 413, §2 (NEW) .]

C. The person was previously convicted in this State or another jurisdiction of criminal homicide or any other crime involving the use of deadly force against a person; [2007, c. 476, §2 (AMD) .]

D. The attempted murder was accompanied by torture, sexual assault or other extreme cruelty inflicted upon the victim; [2001, c. 413, §2 (NEW) .]

E. The attempted murder was committed in a penal institution by an inmate of that institution against another inmate or against prison personnel; [2001, c. 413, §2 (NEW) .]

F. The attempted murder was committed against a law enforcement officer while the officer was acting in performance of that officer's duties; or [2001, c. 413, §2 (NEW).]

G. The attempted murder was committed against a hostage. [2001, c. 413, §2 (NEW).]

[2007, c. 476, §2 (AMD).]

2. Aggravated attempted murder is a Class A crime except that, notwithstanding section 1252, subsection 2, the sentence for aggravated attempted murder is imprisonment for life or a definite period of imprisonment for any term of years. The existence of an aggravating circumstance serves only as a precondition for the court to consider a life sentence.

[2001, c. 413, §2 (NEW).]

SECTION HISTORY

2001, c. 413, §2 (NEW). 2007, c. 476, §2 (AMD).

§153. CRIMINAL SOLICITATION

1. A person is guilty of criminal solicitation if the person, with the intent to cause the commission of the crime, and under circumstances that the person believes make it probable that the crime will take place, commands or attempts to induce another person, whether as principal or accomplice, to:

A. Commit murder. Violation of this paragraph is a Class A crime; [2001, c. 383, §7 (NEW); 2001, c. 383, §156 (AFF).]

B. Commit a Class A crime. Violation of this paragraph is a Class B crime; or [2001, c. 383, §7 (NEW); 2001, c. 383, §156 (AFF).]

C. Commit a Class B crime. Violation of this paragraph is a Class C crime. [2001, c. 383, §7 (NEW); 2001, c. 383, §156 (AFF).]

[2001, c. 383, §7 (AMD); 2001, c. 383, §156 (AFF).]

2. It is a defense to prosecution under this section that, if the criminal object were achieved, the person would not be guilty of a crime under the law defining the crime or as an accomplice under section 57.

[2001, c. 383, §7 (AMD); 2001, c. 383, §156 (AFF).]

3. It is not a defense to a prosecution under this section that the person solicited could not be guilty of the crime because of lack of responsibility or culpability, immaturity, or other incapacity or defense.

[2001, c. 383, §7 (AMD); 2001, c. 383, §156 (AFF).]

4.

[2001, c. 383, §156 (AFF); 2001, c. 383, §7 (RP).]

SECTION HISTORY

1975, c. 499, §1 (NEW). 1977, c. 510, §§35-37 (AMD). 2001, c. 383, §7 (AMD). 2001, c. 383, §156 (AFF).

§154. GENERAL PROVISIONS REGARDING CHAPTER 7

1. It shall not be a crime to conspire to commit, or to attempt, or solicit, any crime set forth in this chapter.

[1975, c. 499, §1 (NEW) .]

2. There is an affirmative defense of renunciation in the following circumstances.

A. In a prosecution for attempt under section 152, it is an affirmative defense that, under circumstances manifesting a voluntary and complete renunciation of his criminal intent, the defendant avoided the commission of the crime attempted by abandoning his criminal effort and, if mere abandonment was insufficient to accomplish such avoidance, by taking further and affirmative steps which prevented the commission thereof. [1975, c. 499, §1 (NEW) .]

B. In a prosecution for solicitation under section 153, or for conspiracy under section 151, it is an affirmative defense that, under circumstances manifesting a voluntary and complete renunciation of his criminal intent, the defendant prevented the commission of the crime solicited or of the crime contemplated by the conspiracy, as the case may be. [1975, c. 499, §1 (NEW) .]

C. A renunciation is not "voluntary and complete" within the meaning of this section if it is motivated in whole or in part by: A belief that a circumstance exists which increases the probability of detection or apprehension of the defendant or another participant in the criminal operation, or which makes more difficult the consummation of the crime; or a decision to postpone the criminal conduct until another time or to substitute another victim or another but similar objective. [1975, c. 499, §1 (NEW) .]

[1975, c. 499, §1 (NEW) .]

SECTION HISTORY

1975, c. 499, §1 (NEW) .

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